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International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances
Eighth session

Summary record (partial)* of the 138th meeting**
Held at the Palais des Nations, Geneva, on Friday, 13 February 2015, at 3 p.m.

Chairperson: Mr. Decaux

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* No summary record was prepared for the rest of the meeting.
** No summary record was issued for the 137th meeting.

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The discussion covered in the summary record began at 3.25 p.m.

Provisional agenda for the ninth session

1. **The Chairperson** said that the provisional agenda for the Committee's ninth session, which was to be held from 7 to 18 September 2015, was very full, particularly as it included an item under which the Committee would review information received under the procedure for following up on concluding observations to State party reports. If he heard no objection, he would take it that the Committee wished to approve the provisional agenda for its ninth session.

2. *It was so decided.*

Organizational and other matters

Election of Rapporteur

3. **The Chairperson** said that the Bureau had nominated Mr. Corcuera Cabezut for election as Rapporteur of the Committee to replace Mr. Garcé García y Santos, who had been unable to attend the session.

4. *Mr. Corcuera Cabezut was elected Rapporteur by consensus.*

Adoption of the report of the Committee on its seventh and eighth sessions

5. **Mr. Corcuera Cabezut**, introducing the report of the Committee on the work of its eighth session, which had been circulated informally, said that, to date, there were 45 States parties to the Convention and 94 signatory States. Since March 2012 — the date of submission of the first urgent action registered by the Committee under article 30 of the Convention — the Committee had received 72 requests for urgent action; of those, it had registered 61: 1 relating to a disappearance that had occurred in Brazil, 1 in Cambodia, 2 in Colombia, 52 in Mexico and 5 in Iraq. The two rapporteurs on urgent actions had provided an overview of the measures taken since the seventh session in relation to the 61 registered requests and the Committee's decisions on further measures to be taken. A list of those requests and the measures taken in response to them would be included in the report of the Committee to the General Assembly on the work of its seventh and eighth sessions.

6. During the eighth session, the Committee had considered the reports of Armenia, Mexico and Serbia and had adopted concluding observations in relation to all three. It had furthermore adopted lists of issues in relation to the reports of Iraq and Montenegro.

7. With regard to relations with stakeholders, the Committee had held a public meeting with 23 States Members of the United Nations at which it had reviewed the reporting process, underscored the importance of the constructive dialogue with States parties and invited States parties that had not yet done so to submit their report. The Committee had scheduled a meeting with national human rights institutions that had been attended by a representative of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, with whom the Committee had discussed the practical implementation of a paper it had recently adopted on its cooperation with national human rights institutions. It had also scheduled a meeting with non-governmental organizations and other stakeholders that had been attended by a representative of the International Federation for Human Rights, during which discussion had centred on innovative aspects of the Convention and on the common aim of universal ratification. Lastly, the Committee had adopted a statement on enforced disappearance and military jurisdiction, which would be included as an annex to its report to the General Assembly.

8. **The Chairperson** suggested that the Committee should approve the report on its eighth session and simultaneously adopt *ad referendum* its report to the General Assembly on its seventh and eighth sessions. If he heard no objection, he would take it that the Committee wished to proceed as suggested.

9. *The report of the Committee on its seventh and eighth sessions was adopted* ad referendum.

Closure of the session

10. **The Chairperson** said that the current meeting marked not only the end of a particularly intense session that had attracted much media attention but also the end of the first four-year cycle in the Committee's brief history. The results of those four years were positive: since the entry into force of the Convention on 23 December 2010, the number of ratifications had doubled, with the most recent ratification being that of Mongolia on 12 February 2015, making it the forty-fifth State party to the Convention.

11. As important as it was to sustain that momentum, it should be recalled that ratification was not an end in itself; and attention had to be given to another major priority, which was to ensure that enacted laws were put into practice. The primary mechanism for accomplishing that objective was the Committee's consideration of reports of States parties under article 29 of the Convention. The Committee attached great importance to the constructive dialogue it held with States parties, as well as to the follow-up that States parties gave to its concluding observations. He regretted that it had not been possible, despite numerous efforts by the secretariat, to provide a webcast of all the Committee's meetings with States parties at the current session, with the exception of its dialogue with Mexico.

12. Article 30 of the Convention laid down very specific provisions in relation to the urgent action procedure, which included safeguards that were binding on States parties. At the same time, it served as a sort of international habeas corpus remedy, inasmuch as it allowed for making a request for urgent action in order to find a disappeared person as a matter of urgency. Even so, the procedure was still not sufficiently well known, and action by States parties was not sufficiently swift or effective.

13. Similarly, article 31 on communications from individuals and article 32 on communications from States, rather than being perceived as infringements of international sovereignty, should be seen as legal safeguards for the effective implementation by States of their obligations under the Convention.

14. It was essential for the Committee to continue emphasizing the importance of the first five articles of the Convention. Article 3, in particular, was crucial because it addressed the grey area of responsibility of non-State actors by requiring States to investigate as well the acts defined in article 2 when they had been committed by persons acting without the authorization, support or acquiescence of the State and to bring those responsible to justice. Any State party that had not classified enforced disappearance as an offence under its criminal law and made provision for penalties that were commensurate with the gravity of that crime had not fulfilled its obligations under the Convention. That gap between national legislation and the treaty was all the more worrying in States parties that were experiencing a surge in violence within their territory.

15. Over the past four years, the Committee had worked with dedication and in a collegial spirit, usually taking decisions by consensus after intense exchanges of divergent viewpoints that served to enrich the collective discussion. The Committee had always acted in good conscience and had demonstrated legal rigour — as well as constructive interpretation — in keeping with the letter and spirit of the Convention. He owed an immeasurable debt of gratitude to the other Committee members for their confidence, their

frankness and their friendship and also to the Committee secretariat for its support that had been above and beyond the call of duty.

16. The Committee had gained a greater knowledge of the Convention and had clarified the temporal scope of its own powers and that of the obligations arising from the Convention; it had delimited the territorial scope of States parties' obligations, in close consultation with the Office of Legal Affairs of the Secretariat; and it had filled a major gap by issuing a statement on enforced disappearance and military jurisdiction. The purpose of the statement had been to ensure consistency with the 1992 Declaration on the Protection of All Persons from Enforced Disappearance and with article 37 of the Convention.

17. Although the Committee had accomplished much since its inception, four years was a very short period when compared with the overall history of the effort to combat enforced disappearance. In that sense, the Committee was merely one link in the chain of global mobilization against that crime. The effort had begun in 1980 with the establishment of the Working Group on Enforced or Involuntary Disappearances and had been followed by the adoption of the Declaration in 1992, the drafting of the Convention between 1998 and 2005 and the adoption of the Convention as the first resolution of the new Human Rights Council in 2006. One must also not forget the active part played in the negotiations by the NGO activists who had joined forces in the International Coalition against Enforced Disappearances or the decisive commitment of States at each and every stage of the endeavour.

18. Above and beyond laws, reports and resolutions — as necessary as they were — there were two vivid images that he would take away from his four-year term on the Committee. One was the solemnity, dignity and courage of the soft-spoken parents and relatives of the 43 disappeared students of Iguala and of the young women who had been abducted in Chihuahua and Coahuila, Mexico. The other was one of joy in the midst of suffering when the Committee had had the privilege of meeting Estela Barnes de Carlotto, founder of the Argentine NGO Grandmothers of the Plaza de Mayo, following her reunion with her grandson Guido, who had been born in 1978 shortly before the summary execution of her daughter Laura. The Committee's four years of operation paled in comparison to the struggle waged over those 36 years by Guido and his grandmother.

19. In conclusion, he wished to quote a line from a speech given in Cancun in 1981 by the then French President François Mitterand. Although spoken in a different historical context, his words continued to resonate with particular intensity: "We pay tribute to all those who have been abducted, disappeared or murdered; they wanted only to live and to be free."

20. After the customary exchange of courtesies, **the Chairperson** declared the eighth session of the Committee on Enforced Disappearances closed.

The discussion covered in the summary record ended at 3.55 p.m.